

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>Susan L. McCarthy</b> <b>Arnold LaRoche Mathews VanConas &amp; Michael LLP</b> <b>300 E. Esplanade Drive, Suite 2100</b> <b>Oxnard, CA 93036</b> TELEPHONE NO. (805) 988-9886 FAX NO. (Optional) (805) 988-1937 E-MAIL ADDRESS (Optional) smccarthy@atozlaw.com ATTORNEY FOR (Name) Jason Tyler Johnson and Karen Juliet Johnson		VENTURA SUPERIOR COURT 126057 OCT 14 2020 FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Ventura STREET ADDRESS 800 S. Victoria Avenue MAILING ADDRESS CITY AND ZIP CODE Ventura, CA 93009 BRANCH NAME Main Branch		
PLAINTIFF: Jason Tyler Johnson and Karen Juliet Johnson, as individuals DEFENDANT: REO Capital Fund 4, LLC, a California limited liability company; Donald Boehm, an individual <input checked="" type="checkbox"/> DOES 1 TO 20		
<b>CONTRACT</b> <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Number): <input type="checkbox"/> CROSS-COMPLAINT <input type="checkbox"/> AMENDED CROSS-COMPLAINT (Number):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER

1. Plaintiff\* (name or names) Jason Tyler Johnson and Karen Juliet Johnson

alleges causes of action against defendant\* (name or names): REO Capital Fund 4, LLC;  
 Donald Boehm and DOES 1-20

2. This pleading, including attachments and exhibits, consists of the following number of pages: 4

3. a. Each plaintiff named above is a competent adult

☐ except plaintiff (name):

- (1) ☐ a corporation qualified to do business in California  
 (2) ☐ an unincorporated entity (describe):  
 (3) ☐ other (specify):

b. ☐ Plaintiff (name):

a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):

b. ☐ has complied with all licensing requirements as a licensed (specify):

c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person

☒ except defendant (name):

- REO Capital Fund 4, LLC  
 (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):

☐ except defendant (name):

- (1) ☐ a business organization, form unknown  
 (2) ☐ a corporation  
 (3) ☐ an unincorporated entity (describe):

(4) ☐ a public entity (describe):

(4) ☐ a public entity (describe):

(5) ☒ other (specify):

(5) ☐ other (specify):

California Limited Liability Company

\*This form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

Page 1 of 2

JF

## SHORT TITLE:

Johnson, et al. v. REO Capital Fund 4, LLC, et al.

CASE NUMBER:

## 4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

- (1) ☒ Doe defendants (specify Doe numbers): 1-15 were the agents or employees of the named defendants and acted within the scope of that agency or employment.
- (2) ☒ Doe defendants (specify Doe numbers): 16-20 are persons whose capacities are unknown to plaintiff.

c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):5. ☐ Plaintiff is required to comply with a claims statute, and

- a. ☐ has complied with applicable claims statutes, or
- b. ☐ is excused from complying because (specify):

6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

## 7. This court is the proper court because

- a. ☐ a defendant entered into the contract here.
- b. ☐ a defendant lived here when the contract was entered into.
- c. ☐ a defendant lives here now.
- d. ☐ the contract was to be performed here.
- e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.
- f. ☒ real property that is the subject of this action is located here.
- g. ☐ other (specify):

## 8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- ☒ Breach of Contract
- ☐ Common Counts
- ☐ Other (specify):

9. ☒ Other allegations: Plaintiffs are informed and believe and based thereon allege that all relevant times, each Defendant acted as an alter-ego and/or joint venture of each of the {CONTINUE ON ATTACHMENT 1}

## 10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. ☒ damages of \$ in excess of \$65,000.000
- b. ☒ interest on the damages
- (1) ☒ according to proof
- (2) ☐ at the rate of (specify) percent per year from (date):
- c. ☒ attorney's fees
- (1) ☐ of \$
- (2) ☒ according to proof.
- d. ☒ other (specify): Such other and further relief as the court may deem just and proper.

11. ☒ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

Paragraph 9

Date: October 14, 2020

Susan L. McCarthy  
(TYPE OR PRINT NAME)▶ Susan L. McCarthy  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

SHORT TITLE Johnson, et al. v. RLO Capital Fund 4, LLC, et al	CASE NUMBER
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**FIRST** \_\_\_\_\_ **CAUSE OF ACTION-Breach of Contract**  
 (number)

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): Jason Tyler Johnson and Karen Juliet Johnson

alleges that on or about (date):

a ☒ written ☐ oral ☐ other (specify):

agreement was made between (name parties to agreement): Plaintiffs and defendants

☐ A copy of the agreement is attached as Exhibit A, or

☒ The essential terms of the agreement ☐ are stated in Attachment BC-1 ☒ are as follows (specify):

On or about October 2, 2016, plaintiffs entered into a written agreement with defendants to purchase real property located at 150 Waverly Drive, Thousand Oaks, California (the "Property"). Pursuant to the agreement, defendants agreed to resolve a significant drainage issue at the Property which was discovered prior to the close of escrow. Defendants' promise induced plaintiffs to continue with the purchase of the Property from defendants.

BC-2. On or about (dates): Beginning on or about 30 days after escrow closed and continuing to date, defendant breached the agreement by ☐ the acts specified in Attachment BC-2 ☒ the following acts (specify):

failing and refusing to resolve the significant drainage issues at the property.

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement

☐ as stated in Attachment BC-4 ☒ as follows (specify):

In an amount in excess of \$65,000, subject to proof at trial.

BC-5. ☒ Plaintiff is entitled to attorney fees by an agreement or a statute

☐ of \$

☒ according to proof.

BC-6. ☒ Other: Such other and further relief as the court may deem just and proper.

Page 3

Page 1 of 1

SHORT TITLE: Johnson, et al. v. REO Capital Fund 4, LLC, et al.	CASE NUMBER
--	-------------

ATTACHMENT (Number): 1

(This Attachment may be used with any Judicial Council form.)

## COMPLAINT #9:

other Defendants, and in doing the things alleged herein acted within the course and scope of such agency, employment, representation, alter-ego and/or in furtherance of the joint venture. Each of the Defendant's acts alleged herein was done with the full knowledge, consent, permission, authorization and ratification, either express or implied, of each of the other Defendants in performing the acts alleged in this Complaint.

At all times relevant hereto there existed, a unity of interest and ownership between Defendants REO Capital Fund 4, LLC ("REO") and Donald Boehm ("Boehm") such that any individuality and separateness between REO and Boehm have ceased and Boehm is the alter ego of REO in that Boehm completely controlled, dominated, managed and operated REO to suit his convenience. Adherence to the fiction of the separate existence of these entities, under the circumstances herein, will sanction a fraud and/or promote injustice.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 4 of 4  
(Add pages as required)